

TREATMENT OF AMERICAN CITIZENS
ARRESTED IN SYRIA
(WEYGAND-KNABENSHUE AGREEMENT)

Exchange of notes at Beirut September 3 and 17, 1924

*Entered into force September 17, 1924*¹

Agreed procedure approved by Department of State November 5, 1924

Department of State files

The American Consul General to the French High Commissioner

SEPTEMBER 3, 1924

His Excellency

THE FRENCH HIGH COMMISSIONER,
Beirut.

EXCELLENCY:

I have the honor to refer to my letter of September 3, 1924, relating to the case of Mr. Maroon A. Ina, an American citizen, who is being confined in the prison at Zahleh on the charge of highway robbery.

This case gives rise to several questions involving the arrest, trial and imprisonment of American citizens under the mandatory regime, and which I hope Your Excellency will take under consideration with a view to establishing a procedure more compatible with a system of justice to which foreigners have been accustomed and to which they are entitled.

May I ask, therefore, that:

1st. When a person is arrested who declares to the Police authorities, upon his arrest, that he is an American citizen, the said authorities should immediately communicate the accused's declaration of nationality through appropriate channels to the nearest American Consulate for confirmation?

2nd. Upon the establishment by the Consular authorities of the American nationality of the accused, his case should be immediately examined or at

¹ Existing rights of the United States and its nationals were recognized and continued in effect by the agreement between the United States and Syria of Sept. 7 and 8, 1944 (EAS 434, *post*, SYRIA).

least re-examined by a French magistrate in order that it may be determined whether there is sufficient evidence against the accused to bring him to trial.

3rd. If in the opinion of the French magistrate there is not sufficient evidence to warrant bringing the accused to trial, he should be released immediately.

4th. If in the opinion of the magistrate, there is sufficient evidence to warrant his being committed for trial, he should be given the right of being released from custody upon giving bail binding himself to appear before where the accused is charged with the commission of the more heinous crimes.

5th. Inasmuch as, in accordance with the agreements between the United States and France as contained in notes verbales exchanged between the French Government and the American Embassy at Paris, American citizens are entitled to trial by a court composed of a majority of French judges it is suggested that a procedure should be adopted which would automatically bring such cases before such a court without the necessity for special instructions to be given in each specific case.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

P. KNABENSHUE

The American Consul General to the French High Commissioner

SEPTEMBER 3, 1924

His Excellency

THE FRENCH HIGH COMMISSIONER,
Beirut.

EXCELLENCY:

I have the honor to inform Your Excellency that Mr. Maroon A. Ina, an American citizen, bearer of Passport No. 450035, dated June 26, 1924, and issued by the Secretary of State at Washington, was arrested about 35 days ago on the charge of highway robbery and has been confined since that day in the prison at Zahleh.

It appears that Mr. Ina declares that he is innocent of the charge against him, and that, when brought before the examiner at Zahleh, he demanded that his case be appealed to "La Chambre des Mises en Accusation." I am informed that this case has been before "La Chambre des Mises en Accusation" for at least 25 days, and up to date no action has as yet been taken. In the meantime the accused is forced to remain in prison.

Mr. Ina also alleges that he has been falsely accused of a crime which he did not commit and is being unduly detained in prison because of improper influences which have been brought to bear against him.

Under the circumstances, may I ask that Your Excellency be good enough to cause an investigation to be made in this case?

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

P. KNABENSHUE

The French High Commissioner to the American Consul General

[TRANSLATION]

HAUT COMMISSARIAT DE LA
REPUBLIQUE FRANCAISE
EN SYRIE ET AU LIBAN
Bureau Diplomatique
Cabinet

No. 5152

ALEY, September 17, 1924

MONSIEUR LE CONSUL GENERAL,

In your letter of September 3, 1924, you were good enough to draw my attention to the case of Mr. Maroon A. Ina, an American citizen, who was imprisoned at Zahleh, while awaiting trial, for being implicated in brigandage.

I have the honor to inform you that the case in question was intrusted to the French examining magistrate, a certain number of foreigners being implicated therein. This magistrate, besides, referred subsequently this case to the War Council, the events in question having occasioned the death of a French non-commissioned officer. The number of persons who participated in this crime necessitates a considerable investigation. This explains why the imprisonment, before the trial, has lasted.

You will, however, agree with me that, considering the importance of these facts and the primordial interest for the country to put an end to the custom of brigandage which still exists in some backward villages, it is necessary that the Court be able to act freely with the reservation, however, of the safeguards provided for in the treaties and laws regarding individual freedom.

I am, besides, disposed to enjoin to the States under mandate the suggestions you proposed:

1st. When a person is arrested who declares to the Police authorities, upon his arrest, that he is an American citizen, the local authorities should immediately communicate this declaration to the nearest American Consulate for confirmation.

2nd. Upon the establishment by the American Consular Authorities of his American nationality, his case will be immediately brought before the French examining magistrate who will examine it, according to the law, and will verify whether there is sufficient evidence against the accused to bring him to trial;

3rd. If there is not sufficient evidence to warrant bringing the accused to trial, he will be released immediately. If there is sufficient evidence of delinquency or crime, the law will determine the cases in which the releasing from custody upon giving bail is a right or an option. This law will be applied to American citizens in the largest spirit of toleration.

4th. The agreement between the United States and France,² granting to American citizens the same rights as to subjects of the other States which are members of the League of Nations, states that Americans must be judged by the Courts instituted in ordinances 2029 and 2030, i.e. by the Courts which include French Judges, and before which a party can request, if he wishes, that the majority of the judges be French.

Please accept etc . . .

WEYGAND

² Convention signed at Paris Apr. 4, 1924 (TS 695, *ante*, p. 925).